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12 Attorneys for Plaintiff
GENENTECH, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

1 WHEREAS on December 28, 2010, plaintiff Genentech, Inc. ("Genentech") and defendant
2 the Trustees of the University of Pennsylvania ("the University") filed a Third Joint Stipulation and
3 Proposed Order to Extend the Deadline for Genentech to File Objections to the Court's November
4 22 Order (Dkt. No. 69) to January 11, 2011; and

5 WHEREAS the parties wanted the deadline extension to discuss whether there is a way to
6 limit Genentech's production of regulatory materials, other than the BLA Submissions (as that term
7 is used in the Court's November 22 Order), to avoid the production of irrelevant materials; and

8 WHEREAS, the parties are continuing to address the proper scope for production of the
9 regulatory materials and believe that an additional extension would benefit their discussion; and

10 WHEREAS, the parties are continuing to arrange an appropriate manner in which to proceed
11 with the production; and

12 WHEREAS, if the parties are unable to reach agreement, Genentech may wish to file
13 objections to the Court's Order;

14 THE PARTIES THEREFORE AGREE as follows:

15 1. The deadline for Genentech to object with respect to the following sentence in the
16 Court's November 22, 2010 Order, now set for January 11, 2011, is extended to
17 February 1, 2011:

18 In addition, to the extent there is responsive electronic data other than
19 the BLA Submissions in Defendant's possession, custody or control
20 that is responsive to Document Request No. 36, Plaintiff shall either
produce the unredacted data to Defendant by November 30, 2010, or
else file a declaration by that date showing why it cannot do so and
setting forth the earliest possible date that it will be able to do so.

21 2. No other provision of the Court's November 22, 2010 Order is changed.
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1 SO STIPULATED:

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3 Respectfully submitted,

4 Dated: January 11, 2011

5 SIDLEY AUSTIN LLP

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7 By: _____ /s/
M. PATRICIA THAYER

8 Attorneys for Plaintiff GENENTECH, INC.

9
10 Dated: January 11, 2011

11 IRELL & MANELLA LLP

12 By: _____ /s/
13 GARY N. FRISCHLING¹

14 Attorneys for Defendants THE TRUSTEES OF
15 THE UNIVERSITY OF PENNSYLVANIA.

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¹ Pursuant to General Order 45(X), the filer of this document hereby attests that concurrence in the filing of the
document has been obtained from Gary N. Frischling.

1 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

2 1. The deadline for Genentech to object with respect to the following sentence in the
3 Court's November 22, 2010 Order, now set for January 11, 2011, is extended to
4 February 1, 2011:

5 In addition, to the extent there is responsive electronic data other than
6 the BLA Submissions in Defendant's possession, custody or control
7 that is responsive to Document Request No. 36, Plaintiff shall either
8 produce the unredacted data to Defendant by November 30, 2010, or
9 else file a declaration by that date showing why it cannot do so and
10 setting forth the earliest possible date that it will be able to do so.

11 2. No other provision of the Court's November 22, 2010 Order is changed.

12 SO ORDERED.

13 Dated: _____ January 12 , 2011

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Lucy H. Koh
United States District Judge